

# Exhibit B

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

D.V.D., *et al.*,  
Individually and on behalf of all others  
similarly situated,

*Plaintiffs,*

v.  
U.S. Department of Homeland Security,  
*et al.*,

*Defendants.*

Civil Action No. 1:25-cv-10676-  
BEM

**DECLARATION OF MARCOS D. CHARLES**

I, Marcos D. Charles, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Acting Assistant Director for Field Operations at Enforcement and Removal Operations (“ERO”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). As the Acting Assistant Director, I am responsible for the oversight of twenty-five ERO Field Offices, ensuring all field operations are working to efficiently execute the agency mission.

2. I began my career with the U.S. Government as a Border Patrol Agent for the former Immigration and Naturalization Service in Hebbronville, TX. Over time I was promoted to Senior Border Patrol Agent, Supervisory Border Patrol Agent, and Field Operations Supervisor. I joined ICE in 2008 an Assistant Officer in Charge. Overtime I was promoted to Supervisory Detention and Deportation Officer, Assistant Field Office Director, Chief of Staff,

Deputy Field Office Director, and Field Office Director before becoming the Acting Assistant Director.

3. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

4. This Court has ordered that Defendants address “the news reports regarding statements made by South Sudan’s police spokesperson, Maj. Gen. James Monday Enoka, that if migrants arrive in South Sudan, they would be investigated and ‘redeported to their correct country’ if found not to be South Sudanese and whether this implicates the prohibition against chain refolement.” ECF No. 121. The first I heard of this statement of Maj. Gen. Enoka was during the course of the hearing on Monday, May 21, 2025. Defendants lack any personal knowledge regarding whether the migrants to which he refers are related to aliens whom the Department of Homeland Security negotiated with the government of South Sudan to accept.

5. Regardless, review of the individual immigration cases of the aliens on the plane subject to the Court’s inquiries— [REDACTED]

[REDACTED]—revealed that none were granted withholding of removal under the Immigration and Nationality Act or withholding or deferral of removal under the regulations implementing Article 3 of the Convention Against Torture to any country, including their country of nationality. Therefore, based on my understanding, the principle of “chain refolement” does not apply to them.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on the 22nd day of May, 2025

MARCOS D  
CHARLES

Digitally signed

by MARCOS D

CHARLES

Date: 2025.05.22

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Marcos D. Charles

Acting Assistant Director

Field Operations

Enforcement and Removal Operations

U.S. Immigration and Customs

Enforcement

U.S. Department of Homeland Security